

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN R. HALLUMS, JR.)
Petitioner,)
v.) Civil Action No. 05-11171-WGY
LOIS RUSSO)
Respondent.)

)

**RESPONDENT'S MOTION FOR AN ENLARGEMENT
OF TIME IN WHICH TO FILE A RESPONSIVE PLEADING**

Now comes the Respondent, Lois Russo, the Superintendent of the Souza-Baranowski Correctional Center, and hereby respectfully moves this Court to enlarge the time in which she must answer or otherwise plead until November 17, 2006. The respondent's responsive pleading is currently due on October 19, 2006. In support of this motion the respondent states:

1. This is a federal habeas corpus petition, brought pursuant to 28 U.S.C. §2254, from the petitioner's 2001 Hampden County convictions for home invasion, burglary, assault and battery with a deadly weapon, and assault and battery, alleging insufficient evidence of home invasion; insufficient evidence of armed assault; and ineffective assistance of counsel (grounds 3 and 4).

2. The respondent has requested necessary documents from the Hampden County District Attorney's Office, and has yet to receive those documents. Due to the need to review these documents, and counsel's other responsibilities in the Attorney General's Office, the respondent will require more time to properly answer the petition.

3. No previous application has been made to this Court for an enlargement of time to answer or otherwise plead.

WHEREFORE, the Respondent requests that this Court enlarge the time in which she must answer or otherwise plead until November 17, 2006.

Respectfully submitted,

/s/ Eva M. Badway
Eva M. Badway
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2824
BBO # 635431

Dated: October 11, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 11, 2006.

/s/ Eva M. Badway
Eva M. Badway